PTO/S8/28 (08-03)

Approved for use through 07/31/2009. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PATENT** 30811/40225 In re Application of: Jeffrev Held et al. 10/795.944 Application No.: March 8, 2004 Filed: METHOD FOR TREATING WASTE-ACTIVATED SLUDGE USING ELECTROPORATION The owner*. DH20 LLC percent interest in , of the instant application heraby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 6,395,176; 8,491,820, 5.540,919; and 6,709,594 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorly disclaimed in whole or terminely disclaimed under 37 CFR 1.321, has ell claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an attorney or agent of regord. Signaturi Paul B. Stephens - 47,970 Typed or printed name (312) 474-6300 Telephone Number x Terminal disclaimer fee under 37 CFR 1.20(d) is included. "Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324. entitled to ti I hereby certify that this correspondence is being facsimits tres Commissioner for Petents, P.O. Box 1450, Alexandria, VA (703) 47% 9306, addressed to: MS Amendment, 2313-1450. ca vn below Dated: August 20, 2004 Signature: 4 Paul B. Stephens